



Rhode Island
Department of Environmental Management

235 Promenade Street, Providence, RI 02906-5767
Division of Agriculture & Resource Marketing
<http://www.dem.ri.gov/topics/agricult.htm>

TDD 401-222-4462

Dear Applicant:

On behalf of the Rhode Island Agricultural Land Preservation Commission, attached to this letter you will find an application and related information regarding the Purchase of Farmland Development Rights Program. Please be sure to submit a soil and plat and lot maps as stated in the application. Your application cannot be processed without this information.

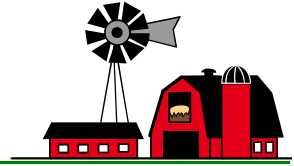
Thank you for your interest, and please contact me at (401) 222-2781, ext. 4500 or Liz Peterman at 222-2781 x 7216 if you have any questions in this regard, or if we can further assist you.

Sincerely,

Kenneth D. Ayars, Chief
Division of Agriculture, RIDEM
Ken.ayars@dem.ri.gov



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Agricultural Land Preservation Commission
c/o Department of Environmental Management
235 Promenade Street
Providence, RI 02908



ACQUISITION OF DEVELOPMENT RIGHTS TO FARMLAND APPLICATION PROCESS

In 1981 the General Assembly passed the Farmland Preservation Act. The method of preservation outlined in this legislation is the acquisition of development rights, which is defined as the difference between the fair market value of the land and the agricultural value. The Act establishes an eleven member Agricultural Land Preservation Commission to oversee the Acquisition of Development Rights Program.

In addition to preserving the best farmland in the state, the Agricultural Land Preservation Commission has an obligation to prudently invest the public funds used in this program. To insure fairness to all parties the Commission uses an established set of criteria in selecting among the various farmland applications. All the questions on the application form are designed to gather information needed by the Commission members in applying the selection criteria.

How to Apply:

- A. Complete this application form and submit it to the Agricultural Land Preservation Commission at the address shown.

If more space is needed additional pages may be used by identifying each response by the number preceding the question on the application form. Please remember to sign your form. If you have any questions, please call the Division of Agriculture at (401) 222-2781.

Application Number: _____

Date: _____

**State of Rhode Island
Agricultural Land Preservation Commission
Application to Sell
DEVELOPMENT RIGHTS TO FARMLAND**

A. PROJECT AND SPONSOR IDENTIFICATION:

1. APPLICANT'S NAME:

2. ADDRESS: _____

3. TELEPHONE: Day: _____ Night: _____
4. BUSINESS OR CORPORATE NAME (if any): _____

B. PROPERTY INFORMATION:

1. LOCATION OF PROPERTY: TOWN/CITY:
Plat and Lot Number(s): _____

(list all plat and lot numbers)
2. PLEASE LIST ALL OWNERS OF LAND AS LISTED ON DEED:

3. TOTAL FARM ACREAGE: _____
4. TOTAL ACREAGE BEING OFFERED FOR PURCHASE OF DEVELOPMENT RIGHTS:

5. TOTAL NUMBER OF ACRES FROM LINE 4 BEING ACTIVELY FARMED:

6. TOTAL NUMBER OF ACRES FARMED: _____
7. TYPE OF FARM: _____

8. IS THIS LAND LEASED TO ANYONE ELSE? _____

If yes, number of acres: _____ Length of remaining lease: _____ years

C. CRITERIA INFORMATION

1. BELOW. LIST THE CROPS PRODUCED ON THE LAND WITH NUMBER OF ACRES AND NUMBER OF YEARS IN PRODUCTION FOR EACH:

a. CROPS	NO. OF ACRES	NO. OF YEARS
_____	_____	_____
_____	_____	_____
_____	_____	_____

b. PASTURE: _____ ACRES: _____ YEARS: _____

c. NOT PRESENTLY IN PRODUCTION:

WOODLAND _____ ACRES

WETLAND _____ ACRES

IDLE _____ ACRES

OTHER _____ ACRES

d. LIVESTOCK (Type of & number of head)	PRODUCT	NO. OF YEARS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. ESTIMATED GROSS FARM INCOME FROM LAND BEING CONSIDERED IN THIS APPLICATION:

\$ _____

3. NUMBER OF PEOPLE EMPLOYED ON THIS FARM:

FULL TIME: _____ PART TIME: _____ SEASONAL: _____

4. MOST RECENT PROPERTY TAX VALUATION: BUILDINGS: _____
LAND: _____ EQUIPMENT: _____
YEAR OF LAST TAX VAULATION: _____
5. PLEASE LIST ANY MORTGAGES, LEINS, AND ENCUMBRANCES WHICH MAY EXIST ON THE LAND:

6. HOW IS THE LAND ZONED? _____
7. HAS ZONING CHANGED IN THE LAST 5 YEARS? _____
If yes, please state the previous zoning: _____
8. IS THE LAND NOW FOR SALE OR BEEN OFFERED FOR SALE AT ANY TIME IN THE PAST 5 YEARS? _____
9. HAS THE LAND BEEN SUBDIVIDED? _____ IF YES, HAS THE SUBDIVISION BEEN APPROVED AND RECORDED? _____
10. AGE OF LANDOWNER(S) _____ YEARS
11. AGE OF FARM OPERATOR (if different than above) _____ YEARS
12. DO ANY REASONS EXIST WHICH MAY CAUSE THE DISCONTINUATION OF FARMING ON YOUR LAND IN THE NEXT 5 YEARS? (Health, retirement, need to settle estate, need to relocate, etc.)
If yes, please explain: _____

D. IF THE LAND IS NOT CURRENTLY BEING FARMED, ANSWER QUESTIONS 1 – 5:

1. DO YOU HAVE PLANS TO FARM THE LAND IN THE NEAR FUTURE?

EXPLAIN: _____
2. WHAT IS THE ACREAGE PLANNED FOR FARMING?

3. WHAT ARE THE CROPS OR OTHER AGRICULTURAL ACTIVITIES PLANNED?

4. HOW MANY YEARS AGO WAS THE LAND LAST FARMED? _____

5. WHAT WERE THE CROPS MOST RECENTLY GROWN?

E. SOIL MANAGEMENT PRACTICES

1. DO YOU EMPLOY SOIL AND WATER CONSERVATION MEASURES ON YOUR LAND? _____

If yes, please explain: _____

I no, are any necessary: _____

2. WHAT CONSERVATION MEASURES DO YOU PLANT TO INSTALL IF THE COMMISSION PURCHASED THE DEVELOPMENT RIGHTS?

3. IF KNOWN, HAS THE LAND OR ANY BUILDINGS OR OBJECTS ON THE LAND BEEN LISTED, OR NOMINATED FOR LISTING, TO THE NATIONAL REGISTER OF HISTORIC PLACES?

If yes, please explain: _____

4. ON ATTACHED SHEETS, STATE ANY ADDITIONAL INFORMATION WHICH YOU FEEL MAY HELP THE COMMISSION EVALUATE YOUR LAND FOR PURCHASE OF DEVELOPMENT RIGHTS.

MAPS TO BE SUBMITTED

Each applicant is required to submit copies of the following two maps of the farm:

1. The "Plat and Lot" map prepared by the municipality where the land is located. Reduced size copies maps are acceptable. The lot lines for the farm should be highlighted. Note: If you are not offering to sell the development rights on the entire farm, please clearly label the portion you are offering the Agricultural Land Preservation Commission.

Copies are available at the Town Hall or City Hall where the farm is located.

2. Soil Map of the farm, as published in the "Soil Survey of Rhode Island" (USDA-NRCS, July 1982). The boundaries of the farm should be drawn onto the soil map as accurately as possible.

The soil maps are prepared in cooperation with the Eastern RI Conservation District, Northern RI Conservation District and Southern RI Conservation District. Copies are available from:

USDA – Natural Resources Conservation Service
60 Quaker Lane, Warwick, RI 02886
Phone: 401-828-1300 FAX: 401-828-0433

(It is suggested you call the USDA-NRCS office as they may be able to mail a map to you, saving you a trip to their office.)

Return Completed applications to:

Agricultural Land Preservation Commission
c/o Department of Environmental Management
Division of Agriculture
235 Promenade Street
Providence, RI 02908

Phone: (401) 222-2781

I HEREBY CERTIFY THAT ALL INFORMATION HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature

EXHIBIT "C"

CONVENANT REGARDING RESTRICTION OF PROPERTY TO AGRICULTURAL USES

- A. The Seller covenants for itself, its heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of Paragraph B below:
- (1) No building, residential dwelling, tennis court, artificial swimming pool, asphalt driveway, road, parking lot, mobile home, utility pole, tower, conduit or line or other temporary or permanent structure or improvement requiring construction shall be constructed, placed or permitted to remain on the Premises, except structures existing on the Premises at the time of the execution of this Restriction.
 - (2) No loam, peat, gravel, soil, sand, rock or other mineral resource, or natural deposit shall be excavated, dredged, or removed from the Premises unless approved by the Buyer under Section C hereof.
 - (3) No refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste, radioactive or hazardous waste or other substance or material whatsoever not normally used in accepted agricultural practices shall be placed, stored, dumped or permitted to remain on the Premises.
 - (4) No use shall be made of the Premises, and no activity thereon shall be permitted which is or may be inconsistent with the intent of this grant, being the perpetual protection and preservation of agricultural lands. No activity, including, but not limited to, drainage or flood control activities shall be carried on which is detrimental to the actual or potential agricultural use of the Premises, or detrimental to water conservation, soil conservation, or to good agricultural and/or forestry management practices.
 - (5) No structure or land upon which it is situated shall be sold separately or otherwise severed from the Premises.
 - (6) No use or development of the Premises other than for agricultural purposes shall be permitted, except that in accordance with the procedures set forth under Section C hereof.
 - (7) No subdivision or division of the Premises or any portion thereof into two or more lots shall be permitted.
- B. Except for any provisions of this instrument to the contrary the Seller hereby reserves to and for itself and its heirs, devisees, legal representatives, successors and assigns all other customary rights and privileges of ownership including the right to conduct or permit the following activities on the Premises:
- (1) The maintenance and use of existing trails and farm and wood roads on the Premises, substantially in their present condition or reasonably necessary for the uses thereof or hereinafter permitted.
 - (2) The construction or placing of building or structures for agricultural purposes, including building for related retail sales, all subject to the prior written approval of the Buyer as provided in Paragraph C hereof.
 - (3) The installation, maintenance, repair, replacement, removal and relocation of utility facilities and services over the Premises for the purpose of providing utility service to the Premises.
- C. The parties hereby covenant and agree that for all other approval required from the Buyer relative to this Covenant, the following procedure shall be followed:

- (1) The Seller shall notify the Buyer, in writing of any intended use or intent to engage in any activity (including construction) when such use or activity requires approval hereunder, and shall submit to the Buyer plans and such other information the Buyer requires to reasonably determine that the use, activity, structure or building is consistent with the purpose of this Covenant. Prior to making an application for approval under this section, the Seller shall have obtained all other required permits.
- (2) The Buyer shall approve, with or without conditions, only upon finding that a) the proposed use, activity, structure, or building is authorized by Chapter 42-82 and b) that said use, activity, structure or building shall not defeat or derogate from the intent of this Covenant to provide for the perpetual protection and preservation of agricultural lands. If the Buyer shall approve, or approve with conditions said request, it shall issue a certificate of approval suitable for recording. If the Buyer is unable to make findings necessary for approval it shall state in writing its reason therefore to the Seller.
- (3) The Buyer reserves the right to inspect any approved use, activity, structure or building for conformity with its Certificate of Approval. In the case of a building or structure, upon its satisfactory completion in accordance with said approval, the Buyer shall issue to the Seller a Certificate of Completion in recordable form.

[illegible]